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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,972	04/16/2004	Andrew Michael Allen	291010-00036	8222
3705	7590	11/17/2005	EXAMINER	
ECKERT SEAMANS CHERIN & MELLOTT 600 GRANT STREET 44TH FLOOR PITTSBURGH, PA 15219			MANOHARAN, MUTHUSWAMY GANAPATHY	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/825,972

Applicant(s)

ALLEN ET AL.

Examiner

Muthuswamy G. Manoharan

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/27/2004</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 11-15, 17-20 and 26-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Torvinen (US2005/0113123).

Regarding claim 1, Torvinen teaches a method of creating and managing a dynamic group for initiating group communication session among mobile stations in a communications network, the method comprising: receiving at least one rule defining a member of the dynamic group association (Paragraph [0013], lines 8-10) with group address (Paragraph [0016], lines 12-13); populating the dynamic group with members from said mobile stations determined in accordance with the at least one rule (Paragraph [0013], lines 10-12).

Regarding claim 2, Torvinen teaches the method of claim 1 including providing notification of members of the dynamic group in response to said populating (Paragraph [0014], lines 7-9).

Regarding claim 3, Torvinen teaches the method of claim 1 including determining which of said mobile station users match the at least one rule (Paragraph [0014], lines 9-11).

Regarding claim 4, Torvinen teaches the method of claim 3 wherein determining comprises receiving notification that one or more particular mobile stations match the at least one rule in accordance with respective presence information the one more particular mobile stations (Paragraph [0029], line 5; Paragraph [0063], lines 1-18).

Regarding claim 5, Torvinen teaches the method claim 3 wherein determining comprises receiving notification that one or more particular mobile stations match the at least one rule in accordance with respective location information the one or more particular mobile stations (Paragraph [0016], lines 8-12).

Regarding claim 6, Torvinen teaches the method of claim 4 including subscribing to at least one service which provides notification of mobile stations that match one or more rules defined in response to one or more of presence information (Paragraph [0029], line 5) and location information (Paragraph [0029], line 5) for mobile stations; and wherein, said subscribing is responsive to said at least one rule (Paragraph [0063], lines 1-7; Paragraph [0063], lines 12-18).

Regarding claim 7, Torvinen further teaches determining an address for each of the at least one service for subscribing, said address determined from a resource list of addresses for such services (Paragraph [0016], line 12-13, Paragraph [0066], lines 12-15).

Regarding claim 8, Torvinen further teaches the method of claim 1 including maintaining said dynamic group, removing particular one of said mobile stations as a member in accordance with the at least one rule (Paragraph 0071], lines 12-119).

Regarding claim 9, Torvinen further teaches the method of claim 6 including receiving notification that a particular one of said mobile stations no longer matches the least one rule (Paragraph [0060], lines 6-9; Paragraph [0071], lines 12-19).

Regarding claim 11, Torvinen further teaches the method of claim 1 including notifying a communications server of the members of said dynamic group facilitating communication among said members a group communication session (paragraph [0070], lines 10-22).

Regarding claim 12, Torvinen teaches the method of claim 1 including notifying user using a mobile station of the members of said dynamic group ("session creation module", Paragraph [0074], lines 3-8; Paragraph [0008], lines 7-9).

Regarding claim 13, Torvinen teaches a method for providing notification of mobile stations that match one or more rules to define members dynamic group for initiating a group communication session among mobile stations a communications network, the method comprising: receiving a request for notification of mobile stations matching at least one rule defined accordance with at least one presence information and location information for mobile stations (Paragraph [0029], line 5); Paragraph [0054], lines 10-17); and sending a notification identifying least one particular mobile station that matches said at least one rule in response to at least one of respective

presence information and location information for the particular mobile station (Paragraph [0014], lines 7-9).

Regarding claim 14, Torvinen further teaches the method of claim 13 including storing presence information published on behalf of mobile stations.

Regarding claim 15, Torvinen further teaches the method of claim 13, including storing location information published on behalf of mobile stations ("location server", Paragraph [0051], lines 11-12).

Regarding claim 17, Torvinen in view of Requena teaches all the particulars of the claim 13. Torvinen further teaches evaluating (Paragraph [0062], lines 1-14) at least one of presence information (Paragraph [0029], line 5) and location information with reference said at least one rule to determine a match (Paragraph [0016], lines 6-12).

Regarding claim 18, Torvinen further teaches the method of subscribing to at least one service which provides notification of mobile stations that match one or more rules defined in response one or more of presence information and location information for mobile stations (Paragraph [0053], lines 15-18); and wherein said subscribing is responsive to said at least one rule, thereby to extend a search for mobile stations matching the at least one rule ("value added services/micro services", Paragraph [0008], lines 4-5).

Regarding claim 19, Torvinen further teaches the method of claim 18 wherein said subscribing extends the search at least one of different domains and networks (Paragraph [0083], lines 1-6).

Regarding claim 20, Torvinen in view of Requena teaches all the particulars of the claim 18. Torvinen further teaches the method of comprising determining an address for each of said at least one service with which to subscribe from resource list of addresses for such services (Paragraph [0016], line12-13).

Regarding claim 26, Torvinen teaches a server for creating and managing a dynamic group for initiating group communication session among mobile stations in a communications network, the server comprising: communication system transmitting and receiving messages via the communications network (item 928 in Figure 9; Paragraph [0083], lines 1-5); processor coupled to the communication system for processing messages (Paragraph [0081], lines 4); and memory coupled to the processor for storing instructions to configure the processor to (Paragraph [0081], lines 5-8); receive at least one rule defining member of the dynamic group association with a group address (Paragraph [0054], lines 10-13); and populate the dynamic group with members from said mobile stations determined in accordance with the at least one rule (Paragraph [0054], lines 14-16).

Regarding claim 27, Torvinen further teaches the server of claim 26 wherein the memory further stores instructions to configure to processor subscribe to a service providing notification of mobile stations that match the least one rule in accordance with presence information (Paragraph [0029], line 5) for the mobile stations (Paragraph [0016], lines 8-12).

Regarding claim 28, Torvinen teaches the server of claim 26 wherein the memory further stores instructions to configure to processor to provide the members of

the dynamic group to server facilitating group communications among the members (Paragraph 0015], lines 1-10).

Regarding claim 29, Torvinen teaches a server for defining a member a dynamic group for initiating group communication session among mobile stations in a communication network, the server comprising: communication system for transmitting and receiving messages via the communications network (item 928 in Figure 9; Paragraph [0083], lines 1-5); processor coupled to the communication system processing messages (Paragraph [0081], lines 4); and memory coupled to the processor for storing instructions to configure the processor to (Paragraph [0081], lines 5-8); receive a request for notification of mobile stations matching at least one rule defined accordance with presence information (Paragraph [0029], line 5) for mobile stations (Paragraph [0054], lines 10-13); and send a notification identifying at least one particular mobile station that matches said least one rule in response to respective presence information for the particular mobile station (Paragraph [0071], line 13-14).

Regarding claim 30, Torvinen further teaches, wherein the memory further storing instructions to configure the processor to receive and store presence information published on behalf mobile stations (Paragraph [0016], lines 8-12). He did not teach expressly the presence information (Paragraph [0029], line 5).

Regarding claim 31, Torvinen teaches a mobile station initiating a group communication session among other mobile stations in a communication network, the mobile station comprising: communication system for transmitting and receiving messages via the communication network (Paragraph [0077], lines 1-3; line 8-11);



processor coupled communication system for processing messages (Paragraph [0074], lines 1-3); and memory coupled to the processor instructions to configure the processor to (Paragraph [0074], lines 6-17): transmit at least one rule defining a member of the dynamic group in association with a group address a server adapted to create and manage the dynamic group, said server populating the dynamic group with members from said other mobile stations determined in accordance with the at least one rule (Paragraph [0013, lines 1-13).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen in view of Chandhok et al. (hereinafter Chandhok) (US 2004/0198376).

Regarding claim 10, Torvinen teaches all the particulars of the claim except receiving a change the least one rule and managing the members of the dynamic group in accordance with the change wherein managing comprises at least one of adding and removing members. However, Chandhok teaches in an analogous art, receiving a change the least one rule and managing the members of the dynamic group in accordance with the change wherein managing comprises at least one of adding and

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removing members (Paragraph [0022], line 6-7). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method of receiving a change the least one rule and managing the members of the dynamic group in accordance with the change wherein managing comprises at least one of adding and removing members. This modification makes the rule very flexible (dynamic).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen in view of Requena (US2005/0227685).

Regarding claim 16, Torvinen teaches all the particulars of the claim except the method of including sending a notification identifying a particular mobile station that no longer matches said at least one rule in response to a change in presence information published on behalf of the particular mobile station. However, Requena teaches in an analogous art, method of including sending a notification identifying a particular mobile station that no longer matches said at least one rule in response to a change in presence information published on behalf of the particular mobile station (Paragraph [0061], Paragraph [0062]). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use a method of including sending a notification identifying a particular mobile station that no longer matches said at least one rule in response to a change in presence information published on behalf of the particular mobile station. This modification provides a method adaptable to changes between different sessions.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen in view of Requena (US2002/0126701).

Regarding claim 21, Torvinen teaches a method of creating and managing a mayday group for initiating mayday group communication among mobile stations in a communication network, the method comprising: receiving a request from a first mobile station to initiate a group communication with at least one second communication device proximate said first mobile station (Paragraph [0055], lines 5-11); populating the mayday group with particular ones of said mobile stations determined response pre-defined rules for the mayday group and location information for said mobile stations (Paragraph [0057], lines 1-8). Torvinen did not teach expressly populating the mayday group with particular ones of said mobile stations determined response pre-defined rules for the mayday group (Paragraph [0060], lines 9-21) and presence information for said mobile stations. However, Requena teaches in an analogous art populating the mayday group with particular ones of said mobile stations determined response pre-defined rules for the mayday group (Paragraph [0123], line 6) and presence information (Paragraph [0182], line 3-4) and location information (Paragraph [0123], line 5) for said mobile stations (Paragraph [0182], lines 3-6). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to have the method of populating the mayday group with particular ones of said mobile stations determined response pre-defined rules for the mayday group and presence information and location information for said mobile stations. This modification enhances the services provided to the mobile stations.

Regarding claim 22, Torvinen in view of Requena teaches all the particulars of the claim 21. Torvinen further teaches the method of subscribing to at least one service

to receive notification of mobile stations that match rules defined in response one or more of presence information and location information (Paragraph [0029], line 5) for mobile stations (Paragraph [0064], lines 1-10; item 516 in Figure 5); and wherein said subscribing is responsive to said pre-defined rules.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen in view of Requena (US 2002/0126701) and further in view of Laiho (US 6097942).

Regarding claim 23, Torvinen in view of Requena teaches all the particulars of the claim except the method of claim comprising receiving notification of individual matching mobile stations as the individual matching mobile stations are determined by said at least one service to hasten said populating. However, Laiho teaches in an analogous art except the method of claim comprising receiving notification of individual matching mobile stations as the individual matching mobile stations are determined by said at least one service to hasten said populating (Abstract, lines 24-31; Col. 2, lines 33-41; lines 57-60). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method of claim comprising receiving notification of individual matching mobile stations as the individual matching mobile stations are determined by said at least one service to hasten said populating. This modification provides an efficient method of managing group communication.

Regarding claim 24, Torvinen teaches the method claim comprising further subscribing by one or more of said at least one service to one or more other such services ("value added services/micro services", Paragraph [0008], lines 4-5) thereby to extend a search for mobile stations matching the pre-defined rule. Laiho also teaches

subscribing by one or more of said at least one service to one or more other such services (Col. 2, lines 57-60) thereby to extend a search for mobile stations matching the pre-defined rule.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torvinen in view of Mathis et al. (US 2003/0043772).

Regarding claim 25, Torvinen teaches all the particulars of the claim except wherein said further subscribing extends the search for mobile stations to include a home network and a roaming network of said first mobile station (Paragraph [0083], lines 1-6). However, Mathis teaches in an analogous art, wherein said further subscribing extends the search for mobile stations to include a home network and a roaming network of said first mobile station (Abstract, lines 1-10). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to further subscribing extends the search for mobile stations to include a home network and a roaming network of said first mobile station. This modification adds more flexibility to the user of the mobile device.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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